10.

A Third LETTER From a Gentleman in the COUNTRY, To his Friends in LONDON,

Upon the Subject of the

Penal Laws and Tests.

Licensed, May *the* 16*th* 1687.

LONDON,
Printed, for *J. H.* and *T. S.* and to be had of most *Booksellers* in *London* and *Westminster*. 1687.

MAR. 28, 1913
SUBSCRIPTION FOR
ENGLISH HISTORICAL TRACTS

My Honoured Friends,

SInce my laſt Letter was ſo happy as to pleaſe more of the Party than my firſt Offended, and that even thoſe are ſomewhat ſoftened by it, I prevail'd with my ſelf, once more, to give you my thoughts upon the ſame Subject: And though I think the Objections you have ſent me, are come too far for an Anſwer, yet I will give you mine, with all the plainneſs, brevity and temper I can; for they that ſeek the publick good, are not to be nice in their endeavours for it; and ſuch who go upon Principles, have the advantage of being ſecured by their Sincerity, even where their miſtakes cannot be defended. But as I think I am not in the wrong, ſo I ſincerely profeſs, if I knew I were, no temporal conſideration ſhould engage me againſt my Opinion; for though I am for the Liberty of perſuing ones own Judgment, I abhor the Latitude of Diſſembling it. But to the point before us.

You tell me, that the generality of the Sobereſt and Wiſeſt of thoſe, that would be eſteemed Members of the Church of *England*, of your Acquaintance, do declare, *They have no Averſion for Liberty of Conſcience, and that they always liked an Indulgence to Diſſenters, but they are angry at the preſent manner of it, and with the Addreſſes of Thanks the Diſſenters have made to the King for It.*

To ſay nothing then of who they were that made the *Penal Laws*, or by whom they were Executed, or upon what Motives; and leſs, what Prejudices thereby have followed to the Perſons and Eſtates of Thouſands of the Kings Subjects (becauſe that Hiſtory might look harſh, and I reſolve to be as

healing as I can) Let me ask, why theſe Gentlemen ſhould be offended at the way of the Eaſe the King has graciouſly given? 'Tis certain, that ſome of them reproach'd the ſevere Conduct he has chang'd, and thought it ill in the Government to expoſe ſo many uſeful Men in their Perſons and Eſtates to a pack of lewd Informers, that yet now quarrel the ſtop he has given to thoſe ſeverities. They will, I hope, pardon me if I ſay, Chriſt's Anſwer to the *Phariſees* about the breach of the Sabboth came in my mind upon reading their Objection, *What man among you that ſhould have a Sheep fall into a Pit on the Sabboth day, will not lay hold on it and lift it out?* He excuſed *David* and the Prieſts in a Caſe of the like nature, and thought a good deed was to be done at any time, when he healed the poor man. This was he that preferred Mercy before Sacrifice, and exalted the good Nature of the *Samaritan* above the ſtrict *Prieſt* and *Levite*, that with all their Reverence to the Law, left the Rifled and Wounded unregarded. But to turn the ſtile of the Diſcourſe: Why ſhould any of the Church of *England* be offended, when it is a *leſs Power* than has been publickly maintained by the moſt venerable of their *own Clergy*, in all times ſince the *Reformation*? You will find *Arch-Biſhop Whitgift*, in his Letter to Q. *Elizabeth*, aſſerting her Power in *Eccleſiaſtical Matters* to reſt wholly and abſolutely in the *Queen*, & that he adviſes her, by no means to allow the *Parliament* to have the fingering of thoſe things; and that what Cannons were made by the Clergy in *Convocation*, by her Majeſties Authority, might be OBSERVED or ALTERED at HER PLEASURE.

And in another Letter to the Lords of the Council, he tells them, that the *Queen* her own ſelf, had in expreſs Words, immediately committed Cauſes *Eccleſiaſtical* to him, as to one, who was to make Anſwer to *God* and her *Majeſty* in that behalf, and not to their Lordſhips, wherein, as he ſuppoſed, he had no Judge but her ſelf. Arch-Biſhop *Laud*, and Biſhop

Sanderſo-

Sanderſon, Dr *Heylin*, Dr *Hicks* and ſeveral other *dignified Divines* of the *Church* of *England*, all grave and learned Authors, follow the ſame Sentiments touching *Regal Power*, in a more extended manner, as you may ſhortly ſee by an *Ingenious hand*, who hath exactly Tranſcribed their own *Writings* in this great *Point*. But in general, it is reſolved by Dr *Starky*, in his Aſſiſe-Sermon at St *Edmonds-Bury*, concerning the divine obligation of human Ordinances, Printed by *John Field*, Printer to the Univerſity of *Cambridge*, 1668. That Conſtitutions, as 'they had their Original and Eſtabliſhment from the Reaſon of 'the ſupream Magiſtrate, conſulting for the conveniency and 'good of the Society, ſo the condition of things and State alter-'ing, upon their Burthen and Inconvenience, may, by the Au-'thority that eſtabliſhed them, be *altered, ſuſpended, abrogated*, 'and taken quite away. Thus a Divine of the Church of *England*; but to proceed on that Leſſon, *argumentum ad hominem*.

'For what greater Injury (ſaith he) canſt thou put upon thy 'careful Governour, then when his *Contrivances* and *Determi-'nations* are publiſhed for *publick good*, that his Directions ſhould 'be Contemned, and by thy *Rebellion* that thou ſhouldſt ſuggeſt 'to others (what our diſorderly nature is too ready to ſuſpect) 'that their *Rules* are the *Reſults of erronious and corrupt men*, 'which ought to be lookt upon as the *determinations of ſacred 'Authority derived from a moſt wiſe and juſt God.*

But if this were not ſo, is it the ſame thing to diſpence with a Temporary, as a fundamental Law? With that which ſays, *thou ſhalt not go to a Conventicle*, as with that which ſays, *thou ſhalt not Kill or Steal?* are there not ſome Laws that are of that moral and enduring nature, no time or accident of State can Diſpenſe with? and ſuch Laws as are ſo ſpecially accommodated, that the reaſon of them may not live three Years to an end? The Penal Laws about Religion were made for fear that divers Opinions in one Country might endanger

danger the Government, & time ſhows us that nothing hazards it more then their execution. Tis plain it puts us in a ſtate of force, and that therefore People fly the Kingdom, and Trade dwindles to nothing: And ſince all Countrys are greater by their People and forraign Commerce, than by their Soyle and Domeſtick Labour and Conſumption, whatever leſſens them, impoveriſhes and weakens the Kingdom. Who will Trade where his gettings are none of his own? or live, where he is not ſure of his Principle? Which is the Caſe of Diſſenters in a Country uſing coertion for Religion. And when all this is ſaid, the King is pleaſed to refer the matter to the concurrence of a Parliament, and ſuch Power for the good of the Publick, was never denied by any man of ſence, any where, to the wiſdom and neceſſity of Government, and It muſt ever reſt with that p art of it, which is by the Conſtitution always in the way, which, we all know, our Parliaments are not.

This Declaration ſeems to me no more than a *Royal Bill without Doors*, informing the Kingdom of his Majeſties mind, and preparing both Houſes to make it the Subject of their next Seſſion: And I don't think I ſhall ever ſee a Parliament in *England* break with a King of his Juſtice and Valour, upon ſo reaſonable and popular a Point.

But to be free, it looks ill in any of the Sons of the Church of *England*, to Scandal this eaſe with the irregularity of the way of it, when nothing is more evident than that they cannot do it without flying in the face of that Loyalty, which made that Church ſo famous in 41. For as then the Diſtinction of the *Natural and Political capacity of the King*, was the great Doctrine of the Parliament againſt ſeveral Acts of State, which in part, gave riſe to the miſunderſtandings and Wars that followed. So 'tis certain, that the Generality of the Church of *England* oppoſed it as a pernitious Principle to the Monarchy, and rather than ſuffer ſo Plebean a notion to take place in the

the Government, drew their Swords for the Soveraignty of the Crown; and we all know what endeavours have been uſed, and by whom, ſince the late Kings Reſtoration, to Damn that diſtinction as the very ſeed of Rebellion.

This Reflection makes me beſeech the diſſatisfied Sons of the Church to Conſider, how much wiſer it were to approach the King with all poſſible Candour and Decency, and by aſſuring him, that their concern looks no further, than ſuch a Legal and uncoercive ſecurity for themſelves, as at the ſame time that others are ſafe from them, by the repeal of the Penal Laws, the Church may be ſecure that no one of thoſe intereſts ſhall invade her Rights and Poſſeſſions, he may be induced to imbrace the *Mediums* that in ſuch an occaſion it were the eaſieſt thing in the World to find, as well as that they might be the moſt agreeable and honorable in themſelves for all our happineſſes. Let her then betake her ſelf to think of ſome happy expedients, and rebuke thoſe Members of her Communion, that run up and down with the falſeſt, as well as angrieſt aggravations; that we may all yet meet in ſome general and national Principle to adjuſt our ſeveral Intereſts upon.

For can ſhe take it ill of the King, that he receives the Diſſenters as near him for his intereſt, as 'tis plain ſhe would take them to her for her ſecurity? the Objection ſhe makes againſt their former Diſloyalty, vaniſheth with their *preſent Adherence and her Diſſent*; for it both ſhows they are for the Government when that is for them, and that even ſhe her ſelf is for it no longer; nay, it will be ſaid by ſome, nor ſo long; for ſhe is (ſay they) not ſatisfied *to be ſafe, nor yet to keep the Chair*, nor will ſhe *thank the King for that*, unleſs others may be confounded that cannot *offer at her Altar*; who, as bad as they are, for this Gracious Reprieve, think him not only worthy of their thanks, but of their *Eſtates and Lives*,

when

when he wants them on ſo glorious an occaſion: And it is not the fooliſheſt thought that may come in her head, that having once loſt the King to the ſide againſt which ſhe could not maintain his Father, her caſe muſt be deſperate upon the Conteſt, which God forbid.

I confeſs, when I conſider the *Idea* we have been taught to have of a Popiſh King, and what *Perſecuting*, *Maſſacring*, *Murdering* work was neceſſarily to attend his Raign, I cannot but ſay, I think the Church of *England* ſecurer, in this Raign, upon the Kings Declaration, than any other worldly ſupport ſhe can flatter her ſelf with; and not to thank him, for an aſſurance ſhe deſir'd, and that is ſo generouſly given for a King of his circumſtances, from whom, we were told worſe things would have followed, and then too, when too many of her Children would indiſcreetly have provok'd other reſolutions, ſhows her leſs Chriſtian and civil then I believe ſhe deſires to be thought, and I hope, upon the main, ſhe deſerves.

But you tell me, that this liberty is by divers perſons rendered dangerous to the Monarchy, *in that it ſtrengthens the hands of thoſe People that have always been for a Common-wealth:* This looks very kind and dutiful to the Royal Family: But tho no body more affectionately wiſhes the preſervation and juſt ſucceſſion of it than my ſelf, I can't forbear to charge the Objection with extream weakneſs, for it is remov'd with a word; *the King has an Army*, Is that the way to ſet it up? And what he leaves, his Children will finde. Is the love of Power firſt objected, and then a deſign to make a Common-Wealth with it? But they will ſay, tho it ben't his deſign, *it is conſequent* upon his meaſures. But I muſt tell them, no ſtory ſhows us, that ever any Government was changed, by making the People of it eaſie; but often t'other way: Nor is it to be thought, that folks will Plot to looſe, what they might be driven to Plot to get. Let the Church think as hardly of

Diſſenters

Diſſenters as ſhe will; they cannot be any longer in pain when they are made eaſie. Beſides, what have they further to ſeek, or which way can they poſſibly agree it? While their Conſcience and Property are ſafe, they have no more to ask, and no body was ever againſt that, which is for them; nor any Government indanger'd by the People it ſeeks to preſerve. The King has begun to ſhow his inclinations to make us all eaſie & ſafe, and it will be her fault if we are not ſo, quickly and intirely. This is the way to prevent the miſchiefs ſhe fears; and what ſhe would have done in their caſe, to have prov'd her ſelf a better Chriſtian or a better Subject I can't tell. But 'tis certain that the Church, by the power of the Monarchy, endeavour'd their ruin: That they fell in with that ſide that favoured their releif, is as true: Were it not better that 'twere out of the power of both to do the ſame thing over again? one to engage the Crown, and t'other to oppoſe it, for t'other Worlds matters? Doubtleſs it were, and this Liberty muſt be the way.

Thoſe times, I am ſure, have a double inſtruction to the preſent Church of *England*; One, that ſhe be not too ſtiff againſt a reaſonable Accomodation; the Other, that to ſupport her ſelf in it, ſhe falls not into the inconveniencies ſhe has objected againſt the Diſſenters, whileſt under far leſs provocation, if any at all. Let her remember, 'twas her cauſe that firſt engaged the Kings Father, and by conſequence, baniſht his Brother, and nothing elſe but this Kings tenderneſs, leaſt he ſhould be too early with her in Declaring for Liberty of Conſcience, when he came to the Crown, gave opportunity for the late Weſtern Rebellion: For as he hath well obſerved in his Speech to the Council, how much the want of it went to promote our civil Wars, ſo 'tis certain, that had he declared for *Liberty of Conſcience*, when he told us of his Religion, there had been no Rebellion in the Weſt: But the

miſ-guided *Duke of Monmouth* might have had his mare at *Buda*, and the unhappy People of his train been alive at their Vocations. And if this delay was not for want of an Opinion that Liberty of Conſcience was a juſt, neceſſary and popular thing, *but his regard to the Church of England*, that had ſerv'd him well, and might not preſently take it the right way, or be prepared to fall in with him upon that intereſt, 'tis certainly the higheſt proof how greatly he valued her concurrance, and deſir'd to rely upon her Duty, Service and Friendſhip, and conſequently, how much ſhe is obliged to his goodneſs, and thoſe of her Sons are in the wrong, that carry a preſent diſtance and coldneſs to his Adminiſtration. And when all is done, the King in this very point has but perſued the ſenſe of a Parliament very freely choſen; for in that laſt *Weſtminſter* Parliament, when the Houſe of Commons apprehended their Diſſolution, and that the black Rod was near the door to that purpoſe, they came to ſeveral Dying Votes, as a Legacy of their Averſion to the Court, and their Court to the King, dom, among which, this was not the leaſt.

Reſolv'd,

'That it is the Opinion of this Houſe, that the Proſecution 'of Proteſtant Diſſenters, upon the Penal Laws, is at this time 'grievous to the Subject, a weaking of the Proteſtant Intereſt, 'an Encouragement to Popery, and dangerous to the Peace of 'the Kingdom.

If the heat of thoſe times could have left thoſe two angry words out, it had carried the general Liberty now deſired, and nothing would have hindred it in a time like this, with ſuch a Parliament as that. For in the Raign of a King of a Popiſh Religion, that we laboured ſo much to Diſappoint, to deſire no more at our hands, after our fears of ſo much more than a meer Liberty of Conſcience, indifferently fixed to all Diſſenters, is ſuch a Cure of our Fears, and an Aſſurance of all

we can wiſh, that we muſt be wanting to our ſelves in Wit, as well as to the King in Gratitude, if we reject the motion. Let her therefore be confident nothing excluded the Papiſts then, but our Apprehentions *that they ſtrove for all at our Coſt*; and if we are offer'd to be ſecur'd againſt ſuch Jealouſies, a Parliament ſo Choſen, would naturally compriſe them.

But you tell me, that two things ſtick yet with Divers perſons of that Church: One, *That it is not reaſonable the Diſſenters ſhould expect that they ſhould pluck the Thorn out of their foot to put it in their own.* The other, *That in caſe the Penal Laws and Teſts were removed by this Church-Parliament, another might be packt that might turn both Laws and Teſt upon this preſent Church.*

In the firſt place, 'tis granted then, that the Laws are a *Thorn* in the Foot of the Diſſenters. Is it not as juſt to think it ought to be pluck't out, and if the Church of *England* will do nothing towards it, are they not excuſable that endeavour it themſelves? Tho when one enquires, firſt, who put the *Thorn* in, and next, that there is no neceſſity that ſhe muſt put it into her own Foot, becauſe ſhe plucks it out of theirs; it ſhould not be ſo hard to perſwade her to pluck it out, and in my Opinion, it ſhould be as eaſie to fling it away, that it may trouble no body elſe for the future. But that perhaps ſhe thinks is not poſſible to be done, and that impoſſibility is given for the reaſon, why ſhe chuſes to leave it where it is; which naturally introduces my Anſwer to the ſecond Objection, viz. *That if the Penal Laws and Teſts were remov'd by this Church Parliament, another might be packt which might turn both Laws and Teſts upon the preſent Church.*

In my laſt Letter, I ſaid ſomething, that ought in my Opinion, to ſatisfie the moſt jealous in this particular: For *firſt*, all agree it is impoſſible to Repeal the Laws and Teſts without a

Parliament. *Secondly*, 'tis not to be thought that the preſent Parliament will do it, without ſuch a Proviſion as will ſecure us in the Point feared. To ſay there is none, is ridiculous; for who can tell, what they may think upon, or from other heads, what may occur to them? If they won't Repeal them, let us ſuppoſe an other Parliament, as freely Choſen at leaſt; can we imagin that ſuch a Repreſentative will be leſs careful to ſecure us againſt our fears, tho they were more inclinable to aboliſh thoſe Laws? If then both are like to go together, be it by the preſent, or another Parliament, I ſee no inſecurity that is like to follow, either to the Church of *England*, or her *Proteſtant Diſſenters*, who in that reſpect, are equally concerned, with her ſelf.

And for packing of a Parliament, if that were the buſineſs and Deſign at laſt; why is it not attempted at firſt? Certainly it is ſo eaſie to be done, that if the King did not ſeek a more agreeable, and laſting ſecurity to his Friends, to wit, a *National* one, there are men enough of no Religion to be packt to morrow, that would firſt conform to the *Laws* and *Teſts*, and then mercenarily take them away. I know there are ſilly People of all Parties, for whom no body can anſwer; but, tis aſtoniſhing, that ſuch a jealouſie ſhould have ſo much room with men of any ſhare of ſenſe, *that if this Parliament ſhould Repeal the Laws and Teſts, the Papiſts in the next, would come into Parliament, and then make their Religion National* at our charges. For, *Firſt*, it ſuppoſes no other expedient, which is eaſie to be found and obtain'd, or let the other remain. *Secondly*, it ſuppoſes that Roman Catholicks will be choſen, or return'd, tho they are not choſen; The one 'tis certain we don't fear, and methinks they only ſhould be afraid of the other; for ſince they cannot be their own ſecurity, and this they declare, by ſeeking a National one; If the firſt would do, why don't they begin upon it, and pack a Parliament preſently,

and

and Repeal the Laws and Teſts without any more to do? And if they don't do this, not becauſe they can't think upon it, but becauſe they don't think it worth trying, why ſhould they attempt by ſuch a way an harder thing? for no body would take it ſo ill of them to Repeal the Laws that vex them by an Indirect way, as they would if they went about to make their Religion National by it, and if they think it not aſſuring enough for the leſſer, can they be tempted to imbrace it for effecting of the greater point.

Some of them have read the Hiſtories of their own Country, and can't but remember, that in times, even of their own Religion, Parliaments ill Choſen came to ill Ends.

That the twenty firſt of Richard *the ſecond Repeal'd the Acts of the Parliament of the eleven of the ſame King; and that the firſt of* Henry *the fourth, Repealed the twenty firſt of* Richard *the ſecond: And that the thirty ninth of* Henry *the ſixth, Repealed the Laws of the 38th of the ſame King, & Damn'd that Parliament, becauſe* VNDULY *Elected*; which is the *packing* meant in the Objection: So that 'tis not worth while to attempt it. If ſuch a Parliament could be Immortal, or were able to Charm ſucceſſive Raigns, or were not a violation of the Conſtitution of Parliaments, and of one of the tendereſt points in our Government, or did not break faith with mankind, when moſt obliged to make a ſtraight ſtep, and by all this, *treaſure up wrath againſt the day of wrath upon the whole Party*, which muſt dawn at the ſetting of our preſent King, it were ſomething: but when all this will follow, as certain as the Night does the Day, To break all bounds of Law, and go by open Force, were an honeſt and wiſe thing to ſuch a wooden Invention of Law, as this would be to all men living of common ſence, and to the Ages that ſhall follow us, who of right, will have the cenſuring of our Actions. What then is left us, but to embrace this Gracious tender, and all Parties to meet the King in

thoſe methods, that are moſt likely to eſtabliſh it with the greateſt, ſatisfaction and certainty?

If no other ſecurity can be had, I ſay then, let this that is, remain, if there may be ſuch a thing, why ſhould we not imbrace it? The Church of *England* diſclaims Severity and Partiality, then let her part with thoſe Inſtruments of both, and not ſuſpect the ſhaking of the Laws of Property, for ſtopping the execution of the Laws *that undermine it*. I leave one Conſideration with her, and ſo ſhall leave you at this time: Let nothing that is *Unfair*, or *Indirect* lie at her Door, I beg her, for Gods ſake. Ought ſhe to differ thus with any body? and leſs with ſuch a King, upon a point ſhe cannot maintain, and that is better left then kept, take the Queſtion, either as to *Right* or *Prudence*? I will not be very particular, but enough to make way for a fuller diſcourſe on the Subject.

The *Teſts*, the chief, if not the only thing in debate, have they any Foundation in our Conſtitution? Should a Mans being of any Religion, hinder him from ſerving the Country of his Birth? Does his going to a Conventicle naturally unqualifie him for a Conſtables Staff? or believing Tranſubſtantiation, render him uncapable of being a good Clark? It were as reaſonable to ſay, that 'tis impoſſible for a Phanatick to be a good Shoomaker, or a Papiſt a good Tayler. The very Notion is Comical. And that muſt ever be the Conſequence of going out of the way, and ſerving the Publick with ſuch a Byaſs to a Party, for that is the ſotteſt way of ſpeaking of the Error.

But when we conſider the Teſt in Relation to the Parliament, where the Objection lies ſtrongeſt againſt the Repeal, it appears not one jot leſs unreaſonable to continue it: For an Opinion of Religion is made to deprive a *Peer* of the higheſt Right of his Peerage: True, he is not totally Deſtroyed, but he's Gelt of his chiefeſt Priviledge: For tho he looſes not his Title, he has little elſe left him. Can the Peers of *England* to

ſerve

ſerve a turn, ſo mutely ſuffer a Preſident to continue, that ſhakes their hereditary ſhare in the Government, and ſo eſſential a part of our ancient & celebrate Conſtitution, and by which 'tis made impoſſible to have an unconcerned Houſe in Judgment? Let us but look back to *Seventy Five*, and ſee what was done then, by divers Lords, in a caſe of this nature; I will but repeat the *Teſt* and their *Proteſt*.

I *A. B. do declare, That it is not Lawfull, upon any pretence whatſoever, to take up Armes againſt the King, and that I do abhor that Trayterous Poſition of taking Arms by His Authority againſt His Perſon, or againſt thoſe that are commiſſion'd by Him in purſuance of ſuch Commiſſion; And I do ſwear that I will not at any time endeavour the Alteration of the Government, either in Church or State, ſo help me God.*

The debate laſted Five ſeveral days before it was committed to a Committee of the whole Houſe, which hardly ever happened to any Bill before: The Debates, were managed chiefly by the Lords, whoſe Names you will find to the following *Proteſtation.*

We whoſe Names are under Written being Peers of this Realm, do according to our Rights and the ancient Uſage of Parliaments, *declare that the Queſtion having been put, whether the Bill (entituled an Act to prevent the danger which may ariſe from Perſons diſaffected to the Government) doth ſo far intrench upon the Priviledges of This Houſe; that it ought therefore to be caſt out. It being reſolved in the Negative, We do humbly conceive that any Bill which impoſeth an Oath upon the* Peers *with a Penalty, as this doth that upon the refuſal of that Oath,* They ſhall *be made uncapable of Sitting and Voting in this* Houſe, *as it is a thing unpreſidented in former Times, ſo is it, in Our humble Opinion,* THE HIGHEST

HIGHEST INVASION OF THE LIBERTIES AND PRIVILEDGES OF THE PEERAGE, *that possibly may be, and most destructive of the Freedom, which they ought to enjoy as Members of* Parliament, *because the Privilege of Sitting and Voting in* Parliament, *is an Honor they have BY BIRTH, and a Right so INHERANT IN THEM, AND INSEPARABLE FROM THEM, AS THAT NOTHING CAN TAKE IT AWAY, but what by the Law of the Land, must withal, take away their Lives, and corrupt* their Blood; *upon which ground we do here enter our Dissent from that Vote, and our Protestation against it.*

Buckingham	*Aylisbury*	*Howard* E. of *Berks*	*Shaftsbury*
Bridgwater	*Bristol*	*Mohun*	**Clarendon**
Winchester	*Denbigh*	*Stamford*	*Grey Roll.*
Salisbury	*Pagitt*	**Hallifax**	*Say & Seal*
Bedford	*Holles*	*De la mer*	*Wharton*
Dorset	*Peter*	*Eure*	

To say nothing here of the matter of the *Test*, 'tis plain from the extent of their Argument, they were against *all Tests* that depriv'd Peers of this fundamental Right of Peerage, and that nothing could, in their opinion, do it, but such crimes as tainted their Blood and took away their lives. I know not if those living are still of that minde, but the honour I have for their Understanding and Integrity forbid me to doubt it.

Now pray Suffer me to turn the Tables, and ask our Churchmen one Question in the Language of their Fears; Can the King *make Lords*, and *pack an House of Commons*, that shall first take, and then abolish the *Test*? Why then, it is not so

ſo great a ſecurity as they imagin; and it is hardly worth while to be ſo ſtiff to ſupport it. But by the ſame reaſon that they can Repeal this, they may Enact another, and if ſo, may not the Houſe of Peers be quickly another *ſet* of Men? For that Fire that Roſts a Gooſe can Roſt a Gander. What *Tides* are theſe in Government? and what State is ſafe, or happy, whoſe Foundations *float* upon ſuch movable meaſures? Beſides, the *Lords* intended to be made the example of our Power in this affair, were generally obſerved to be ſome of the ſteadieſt and beſt Voters upon all Queſtions that concern'd our Publick Right.

I have done with this. T'other part of my Conſideration is the other part of our Parliament, the *Houſe of Commons* I mean.

And here we are taught to believe, *the Peoples choice is the Repreſentatives Authority*; and if that be true, it is ſomewhat hard to imagine which way they can hinder a man from *Seſſion*, that the People have freely choſen. I grant, that where Competitors have made an Election diſputable, the final Judgment is in the Repreſentative Body; but I cannot comprehend how that Houſe can ever make void an undiſputed Election, and ſuch is a free choice of the People, of any County or Borrough; and yet that is the very buſineſs of the *Teſt* of *Seventy Eight*. For if I believe the Doctrine of *Tranſubſtantiation*, I cannot poſſibly ſit in Parliament, let my Election, Ability, Integrity be what they will. In this matter, let us lay aſide Prejudice, and look beyond Tranſubſtantiation, like Engliſh-men, jealous of our Rights; for here ſeems to be the Snake in the Graſs; what! ſhall Opinion give rule to our Properties, and (like *Daniels* King) *change Times and Laws at Pleaſure*?

There is nothing more miſerable in Government then that it muſt alter with Religious Opinion, which yet we are not

aſſur'd men ſhall not change, and that often in an Age. I ſay, this does not Reſt at Tranſubſtantiation (tho if it did, and it were not juſt, 'twere no argument to a good man) The ſame Power that is aſſumed in that caſe, may make a *Teſt* of what it pleaſes, and a Mans Diſſent, a reaſon of Excluſion from Seſſion in Parliament, let not this be.

We uſually ſay, no Stream riſes higher then its Fountain, and whether this ſort of *Teſting* be not an Inverſion of the natural Current of Power, may not be amiſs for *Engliſh-men* to deliberate: Nay, if it be not a breach of that part of the Conſtitution of the Government: For if thoſe whom the People chuſe, the Repreſentatives may reject, for a reaſon of their own, that in the nature of Civil Government can be none, the Electors and Elected muſt needs be Divided, in that the one makes void the Power of the other, tho it be that by which the firſt Houſe of Commons ſat, and is the natural Authority of every Houſe of Commons in this Kingdom.

Nothing, in my Opinion, can cure this miſchief better than a due conſideration of the true nature of things: What properly falls under our Cognizance, and what not; and then to adapt proper and ſutable means to the juſt ends we aim at: For if the major vote in things not to be voted, could give any weight or Sanction, 'tis to be feared the *Jews* were too much in the right, when they cryed, *we have a Law, and by our Law he ought to Dye*, however, upon theſe Principles, nothing is plainer than that every Martyr was *felo de ſe*, and Dyed a Malefactor inſtead of a Saint.

Let us then be deliver'd of all *Teſts* that run not on the ſide of the old Government of *England*; and if we muſt have a *Teſt*, I ſhall pray that it may be tranſlated *from* TRANSUBSTANTIATION *to* PERSECUTION. *That is to ſay, that no Man ſhall propoſe or conſent to any thing in Government within this Kingdom, that may infringe the Conſcience or Pro-*

Property of any man in it; for upon that ancient Policy our Government began; and let the *Excommunication and Anathama* of the Government paſs upon that Offender, to his *perpetual civil Damnation*.

I ſhall ſay no more to you now, what ever I may do at another time, but that you uſe the utmoſt of your endeavours, to promote *Piety* and *Charity*: And as on the one hand, with all imaginable ſoftneſs, you ſtrive to oblige the Members of the Church of *England* to an impartial Conſideration of theſe things, ſo on the other hand, you adviſe all Diſſenters to Govern themſelves towards thoſe Gentlemen, in the uſe of this Liberty, with a decent and friendly Behaviour: Who knows, but that Conduct, with a little Time, may give them that ſight of their Intereſt, and diſpoſe them to thoſe Compliances, which may end this preſent miſ-underſtanding in the happieſt civil Union, that any King and Kingdom were ever bleſt with. God of his Infinite Mercy grant us this great Bleſſing, and his Grace to uſe it, *Amen*.

Once more, yours, with all my Heart.

FINIS.